

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of	)	
	)	
Restoring Internet Freedom	)	WC Docket No. 17-108
_____	)	

**REPLY COMMENTS OF  
THE COUNTY OF SANTA CLARA, CALIFORNIA**

JAMES R. WILLIAMS, County Counsel  
CARA H. SANDBERG, Deputy County Counsel  
OFFICE OF THE COUNTY COUNSEL  
Attorneys for  
COUNTY OF SANTA CLARA  
70 West Hedding Street, East Wing, Ninth Floor  
San Jose, California 95110-1770  
Telephone: (408) 299-5900  
Facsimile: (408) 292-7240  
Email: [Cara.Sandberg@cco.sccgov.org](mailto:Cara.Sandberg@cco.sccgov.org)

August 30, 2017

## TABLE OF CONTENTS

INTRODUCTION .....	1
DISCUSSION .....	2
A. Accessible, Affordable, and High-Speed Broadband Internet Service Is Necessary for Job Creation and Sustained Employment.....	2
B. Public Safety, Emergency, Healthcare, and Social Services Rely on Internet Services Free from Throttling, Blocking, and Paid Prioritization .....	4
C. Our Community Is Best Served and Civic Engagement Is Enhanced Through the Availability of Open Internet .....	8
CONCLUSION.....	11

## **REPLY COMMENTS OF THE COUNTY OF SANTA CLARA, CALIFORNIA**

The County of Santa Clara, California (“County”), submits these reply comments on the Federal Communications Commission’s *Notice of Proposed Rulemaking, Restoring Internet Freedom* (NPRM), issued on May 18, 2017. Along with these reply comments, the County submits a Resolution of the Board of Supervisors of the County of Santa Clara Supporting the Preservation of Federal Rules and Policies Protecting Net Neutrality, adopted on August 29, 2017.

### **INTRODUCTION**

Santa Clara County is located at the southern end of the San Francisco Bay and is the home to “Silicon Valley,” the nation’s center for technological innovation. Santa Clara County is a world-leading hub of high-tech invention and development. Many of the world’s largest and most notable technology and internet-based companies are headquartered in Santa Clara County, including Adobe, Apple, Cisco, eBay, Google, LinkedIn, and PayPal.

Santa Clara County is also home to 1.9 million residents who rely on the County to provide essential services such as law enforcement, healthcare, assistance for youth and the elderly, and social services. The County therefore has a unique interest—informed by both the local tech economy and the County’s role as a safety-net service provider—in the Commission’s proposed actions seeking to compromise the principles of open internet and net-neutrality.

The County supports the bright-line rules enunciated in the Commission’s 2015 Report and Order, *In the Matter of Protecting and Promoting the Open Internet*, WC Docket No. 14-28, and specifically the net neutrality rules prohibiting blocking, throttling, and paid prioritization.

The County also supports the Commission's transparency rule, as reaffirmed in the 2015 Report and Order.

The County emphasizes the following in these reply comments:

- Accessible, affordable, and high-speed broadband internet service is a necessity for economic prosperity and job creation, especially in America's technology hub of Silicon Valley;
- Public safety, emergency services, education, healthcare, and social services all rely on the availability of broadband internet service free from throttling, blocking, and paid prioritization;
- Our community is best served and civic engagement is enhanced through the availability of open internet.

The County and its residents depend on the accessibility of affordable and non-discriminatory broadband internet service. The County therefore supports the preservation of net neutrality rules as articulated by the Commission in its 2015 Report and Order, *In the Matter of Protecting and Promoting the Open Internet*.

## **DISCUSSION**

### **A. Accessible, Affordable, and High-Speed Broadband Internet Service Is Necessary for Job Creation and Sustained Employment**

The County recognizes that open internet is necessary for the innovation and creative development of new businesses and job opportunities. Net neutrality is critical to the prosperity of the Santa Clara County local economy, including but not limited to startup technology companies, rural businesses, and entrepreneurs. The County agrees with the comments submitted by the Internet Association, which includes internet-based companies Airbnb,

Amazon, Dropbox, Etsy, Facebook, Lyft, Pandora, Spotify, Twitter, Uber, and Zynga. The Internet Association commented that its “founding companies were built on the internet’s open architecture and best efforts commitment to treat all traffic equally, providing consumers with access to lawful content of their choosing.”<sup>1</sup> The County supports the Internet Association’s comment that the FCC bright-line rules “are crucial to smaller IA companies as well as start ups along the internet economy’s long tail.”<sup>2</sup>

As home to myriad technology companies, including new startup ventures, the County views the preservation of net neutrality as crucial for economic development and prosperity. Net neutrality encourages competition among businesses, fosters innovation, creates jobs, and has promoted economic vitality both within Santa Clara County and across the nation. A consortium of mayors from 52 cities nationwide commented that “technology startups depend on net neutrality to gain fair and competitive access to customers.”<sup>3</sup> Repealing the net neutrality rules will result in a paid-priority system in which established companies dominate the market and drive out new businesses by using their resources to direct internet traffic to themselves. The County agrees that cities and counties “depend on a thriving startup community to drive innovation and our continued economic growth.”<sup>4</sup>

Furthermore, open internet provides unemployed Americans the opportunity to search for gainful employment, participate in free web-based job training programs, and learn new skills

---

<sup>1</sup> Comment by the Internet Association at p. 1, Open Letter on Net Neutrality, ID 107170915330188 submitted July 17, 2017.

<sup>2</sup> *Id.*

<sup>3</sup> Comment by the Coalition of Mayors at p. 2, ID 10712307619992, submitted July 12, 2017.

<sup>4</sup> *Id.*

through online education courses.<sup>5</sup> The County has a strong commitment to reducing unemployment rates and a particular interest in ensuring that County residents maintain access to the resources they need to become employed and enhance their education. The County agrees with the comments of United States Senator Kamala Harris that rescinding the 2015 net neutrality rules “will imperil the engine of California’s economy and the platform for California’s extraordinary entrepreneurship and creativity” and that “a threat to the open Internet is a threat to California’s economy and workforce.”<sup>6</sup>

**B. Public Safety, Emergency, Healthcare, and Social Services Rely on Internet Services Free from Throttling, Blocking, and Paid Prioritization**

The County agrees with the Revised Comments of the State Attorneys General, explaining that preferential treatment in internet service provision “diminishes the ability of consumers of other services to access their content of choice at the same speeds and reliability. This imposes a cost on those consumers who use sites that do not receive preferential treatment.”<sup>7</sup> As the primary provider of public services necessary for the safety, health, and care of its residents, the County depends on affordable and accessible broadband internet services. County residents also depend on the net neutrality rules in order to reasonably access the many internet-based services and information the County offers. The County and its residents would be directly harmed by the abandonment of net neutrality rules as blocking, throttling, and paid prioritization would threaten the County’s ability to provide crucial social services, including emergency and public safety, healthcare, medical, and criminal justice services.

---

<sup>5</sup> Comment by The Council of the City of New York at p. 2, ID 107180225124760, submitted July 17, 2017.

<sup>6</sup> Comment by United States Senator Kamala Harris at pp. 1 and 3, ID 107182829023671, submitted July 17, 2017.

<sup>7</sup> Revised Comment by the Attorneys General of the States of Illinois, California, Connecticut, Hawaii, Iowa, Maine, Maryland, Massachusetts, Mississippi, Oregon, Rhode Island, Vermont, and the District of Columbia at p. 20, ID 10719107449178, submitted July 19, 2017.

The County provides emergency and public safety services to its 1.9 million residents. For example, the County Office of Emergency Services maintains a website that alerts citizens and County employees of local emergencies, natural disasters, and safety protocols.<sup>8</sup> The County also provides an emergency alert system, AlertSCC, which is a free, easy, confidential emergency warning system available to anyone who lives or works in Santa Clara County.<sup>9</sup> Through AlertSCC, individuals can receive emergency warnings, instructions, and information directly on their cell phones, mobile devices, emails, or landlines. The Office of Emergency Services and AlertSCC require broadband internet service to provide these potentially life-saving warnings to residents of Santa Clara County. Reliable, affordable, and accessible broadband internet services are similarly critical to the County's 911 emergency services: emergency vehicles are located and tracked using internet services, and this information is necessary to ensure that emergency vehicles are promptly and properly dispatched to assist persons in need.

Healthcare and medical safety-net services provided by the County also require broadband internet services. Santa Clara Valley Medical Center, the level 1 trauma hospital operated by the County, provides patients access to their medical records and medical information through a secure website.<sup>10</sup> This internet-based system allows patients to message their physicians, request prescriptions, and reserve appointments. Thus, patients' ability to access their personal health information and arrange for medicine delivery or medical treatment depends on the availability of accessible and affordable broadband internet service.

---

<sup>8</sup> <https://www.sccgov.org/sites/oes/Pages/Office-of-Emergency-Services.aspx>.

<sup>9</sup> <https://www.sccgov.org/sites/alertscc/Pages/home.aspx>.

<sup>10</sup> <https://myhealthonline.sccgov.org/mychart/>.

The well-being of the most vulnerable populations within Santa Clara County also depends on access to broadband internet services and a repeal of the net neutrality rules would directly impact and harm the individuals who rely on access to County resources and information via broadband internet service. The County's jail system is the fifth largest in California and among the twenty largest systems in the United States. The availability of broadband internet service is a requisite component of County programs designed to improve inmate welfare and promote access to justice. For example, the County developed and uses an Online Inmate Information and Jail Visit Reservation System (OVR), a web-based self-service system that allows potential visitors to register for an inmate visit using an online portal.<sup>11</sup> OVR provides a real-time interface with the inmate data system. OVR has dramatically improved inmates' access to visits from friends and family, which improves inmate welfare and may reduce recidivism.

Accessible broadband service is necessary for the County to ensure public safety and contributes to the County's efforts to reduce incarceration. The County's jail facilities house both criminal defendants in pretrial custody and convicted individuals serving their sentences. Many pretrial defendants can be released from custody under appropriate conditions and without endangering public safety through supervised release and the use of electronic monitoring systems.<sup>12</sup> Similarly, individuals with time remaining on a jail sentence may be able to return home under intensive supervision and electronic monitoring.<sup>13</sup> These at-home electronic

---

<sup>11</sup> <https://www.innovations.harvard.edu/online-inmate-information-and-jail-visit-reservation>

<sup>12</sup> See Final Consensus Report on Optimal Pretrial Justice, August 26, 2016 available: [http://sccgov.iqm2.com/Citizens/Detail\\_LegiFile.aspx?MeetingID=7963&ID=82867](http://sccgov.iqm2.com/Citizens/Detail_LegiFile.aspx?MeetingID=7963&ID=82867).

<sup>13</sup> [https://www.sccgov.org/sites/probation/adult/programs/Pages/Intensive-Supervision-Alternative-Programs-\(ISAP\)-EnglishSpanishVietnamese.aspx](https://www.sccgov.org/sites/probation/adult/programs/Pages/Intensive-Supervision-Alternative-Programs-(ISAP)-EnglishSpanishVietnamese.aspx)



monitoring systems allow individuals to live at home, maintain their family relationships, continue employment, attend school or vocational programs, and participate in treatment programs. They are also far less costly for the County than detaining these individuals in the County jails. The County is able to provide these innovative systems that allow criminal defendants in pretrial custody and certain convicted individuals to return home through the use of internet-based technology. These internet-based electronic monitoring programs allow the County to ensure public safety while also providing innovative options for at-home supervision. Public safety for victims of crimes and concerned citizens is also bolstered through internet-based systems like Vinelink.com. The County Office of the District Attorney, Victim Services Unit and the Office of Pretrial Services promote the use of VineLink.com as a means for victims and citizens to track the custody status of an adult offender in County jail. VineLink.com provides victims and citizens a way to receive up-to-date incarceration and criminal justice data; victims and citizens can receive automated notifications about changes in custody status. The County, our residents, their families and loved ones therefore rely on access to broadband internet service remaining affordable, accessible, and free from blocking, throttling, and paid prioritization and would be harmed by a revocation of net neutrality rules.<sup>14</sup>

The County also provides myriad other vital services to its residents such as online voter registration; an internet-based system for residents to pay taxes; and online reservation tools for public park use and camp site reservations. Furthermore, many County departments rely upon broadband internet service to access databases and information necessary to serve their clients, like the Department of Child Support Services, the Department of Aging and Adult Services, the

---

<sup>14</sup> See Office of Pretrial Services Surveillance Technology Use Policy for Global Positioning System Electronic Monitoring Devices, April 2017, available: [http://sccgov.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=8494](http://sccgov.iqm2.com/Citizens/Detail_Meeting.aspx?ID=8494)

Department of Employment and Benefits Services, the Reentry Resource Center, and the Probation Department.

In light of the critical County services provided via broadband internet, the County agrees with the comments of the National Multicultural Organizations, a coalition of 14 national civil rights, consumer advocates, social services, and professional organizations: “Broadband impacts fundamental civil rights . . . . It is the key to ensuring justice, equality, and democracy and is necessary to living a life of equal opportunity in the 21<sup>st</sup> century.”<sup>15</sup>

### **C. Our Community Is Best Served and Civic Engagement Is Enhanced Through the Availability of Open Internet**

As a California local government, the County adheres to and champions the principle of transparency, including transparency in the provision of broadband internet service.

Transparency is essential to ensuring public access and participation in the meetings of local legislative bodies. The County is committed to transparency in conducting its business and utilizes broadband internet technology to ensure public access and participation.

The Ralph M. Brown Act, California Government Code Section 54950 *et seq.*, guarantees access for the public to participate in the meetings of California local governments. The Brown Act mandates that all meetings of legislative bodies of local agencies must be open and public.<sup>16</sup> The Act specifically provides that a legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body in connection with any meeting or proceeding.<sup>17</sup> Under the Act, “teleconference” means “a meeting of a legislative body, the

---

<sup>15</sup> Comment of the National Multicultural Organizations at p. 2, ID 107180282417781, submitted July 17, 2017.

<sup>16</sup> California Gov. Code § 54953(a).

<sup>17</sup> Id. § 54953(b)(1).

members of which are in different locations, connected by electronic means, through either audio or video, or both.”<sup>18</sup> The technology commonly used today incorporates audio and video conferencing using broadband internet through popular programs like Skype, FaceTime, GoToMeeting, and Google Hangouts. This sort of broadband internet-based technology provides public entities like the County with the ability to adhere to the requirements of open meeting laws that we are bound by and that our residents rely upon.

The County’s ability to make its Board and Commission meetings open and public relies on innovative technology, such as programs and applications that use broadband internet service. The County therefore depends on the accessibility of affordable and non-discriminatory broadband internet service. For these reasons, the County agrees with the comments of the City of Portland, Oregon, as expressed in the City’s Resolution: “fostering innovation, inclusion, equity, economic growth, and well-being requires ensuring that all residents, businesses, non-profit organizations, and public agencies continue to have the opportunity to be fully engaged in using digital and communications technology on the equal footing provided by Net Neutrality principles so that all may flourish.”<sup>19</sup>

The Brown Act also requires the County to provide public notice of legislative body meetings so that the public has ample notification of the time, place, and agenda of those meetings.<sup>20</sup> The County uses its website, <https://www.sccgov.org>, to adhere to these requirements. Notice of the meetings for all of the County’s Board and Commission meetings

---

<sup>18</sup> Id. § 54953(4).

<sup>19</sup> Comment by City of Portland, Oregon at p. 4, Resolution of the City Council, ID 107142648709933, submitted July 14, 2017.

<sup>20</sup> California Gov. Code § 54954.

are posted on this website. The agendas and related materials for each meeting are also posted on this website so that members of the public can easily access the information necessary to fully participate in their local government. The County also makes video footage of its Board and Commission meetings available on the County website. These videos include links to specific portions of the meeting agendas and closed captioning of the meeting discussions, thereby providing citizens with accessible, simple, and transparent means to access and understand the business conducted by the County Board and Commissions. Our bi-monthly Board of Supervisors meetings, as well as the meetings of several other boards and commissions, are livestreamed on the County website, allowing the public to observe County business from remote locations.

Our residents should not be barred from participating in the legislative process of their local government simply because broadband internet service may become inaccessible, prohibitively expensive, or blocked. Members of our community should have access to the notice, materials, and video records of the legislative process that directly impacts their lives. This access must be provided on a legal basis. As the Mt. Hood Cable Regulatory Commission explained in its comments to the Commission, “discrimination and blockage or restriction of access to content based on commercial affiliations or ability to purchase the ‘fast lane’ are incompatible with concepts of non-discriminatory, open access.”<sup>21</sup> The County and its residents would be harmed by a repeal of net neutrality rules as the availability of affordable broadband internet service free from blocking and throttling is central to the County’s ability to comport

---

<sup>21</sup> Comment by City of Portland, Oregon at p. 4, Letter from Mt. Hood Cable Regulatory Commission, ID 107142648709933, submitted July 14, 2017.

with the requirements of California open meeting laws and for meaningful civic participation by our citizens.

Finally, government entities, like the County, are particularly concerned with censorship and its impact on the free exchange and exercise of ideas for its citizens. The County agrees with the comments of the Chief Information Officer for Cook County, who explained that allowing broadband providers to discriminate among and charge for access to internet content providers will confer upon them “an unacceptably expansive, discretionary power to censor free expression.”<sup>22</sup> Just as the County discloses meeting locations, agendas, and discussions openly and transparently, broadband internet providers must be required to disclose transparently the policies governing their networks and any manipulation of the flow of information.<sup>23</sup> Open internet rules, specifically the bright line requirement of transparency, support a civic community in which free expression and speech prevail.

## **CONCLUSION**

The businesses and residents of Santa Clara County, the nation’s capital for high-tech and internet innovation, rely upon net neutrality rules prohibiting blocking, throttling, and paid prioritization. Open internet not only promotes economic prosperity and job creation, but also allows the County of Santa Clara to provide essential services such as law enforcement, healthcare, assistance for youth and the elderly, and social services. These crucial services, provided through broadband internet, must remain protected by the net neutrality rules established by the Commission in order to ensure that residents can access social services and

---

<sup>22</sup> Comment by Cook County, Illinois at p. 2, Letter from Chief Information Officer Simona Rollinson, ID 106282232624768, submitted June 28, 2017.

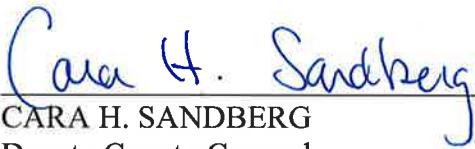
<sup>23</sup> Comment by Council of the City of New York at p. 5, ID 107180225124760, submitted July 17, 2017.

remain engaged in civic participation. The County supports the preservation of net neutrality rules as articulated by the Commission in its 2015 Report and Order, *In the Matter of Protecting and Promoting the Open Internet* and urges the Commission to protect net neutrality.

Dated: August 30, 2017

Respectfully submitted,

JAMES R. WILLIAMS  
County Counsel

By:   
CARA H. SANDBERG  
Deputy County Counsel

Attorneys for  
COUNTY OF SANTA CLARA

Attachment: Resolution of the Board of Supervisors of the County of Santa Clara Supporting the Preservation of Federal Rules and Policies Protecting Net Neutrality

RESOLUTION NO. BOS-2017-105

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA SUPPORTING  
THE PRESERVATION OF FEDERAL RULES AND  
POLICIES PROTECTING NET NEUTRALITY**

**WHEREAS**, Santa Clara County is a world-leading hub of high-tech invention and development and the birthplace of many of America's leading internet and technology companies; and

**WHEREAS**, Santa Clara County is also home to 1.9 million residents who rely on the County to provide essential services such as law enforcement, healthcare, education, assistance for youth and the elderly, and social services; and

**WHEREAS**, established County programs, services, and information require affordable, accessible, and open internet access for the benefit of County citizens; and

**WHEREAS**, the Federal Communications Commission adopted Net Neutrality rules in its 2015 Report and Order *In the Matter of Protecting and Promoting the Open Internet*, WC Docket No. 14-28, to protect consumers from past and future tactics that threaten the open internet by banning three damaging practices: blocking, throttling, and paid prioritization; and

**WHEREAS**, in its 2015 Report and Order, the Federal Communications Commission reaffirmed its 2010 Transparency rule to ensure that consumers are fully informed about the internet access they are purchasing; and

**WHEREAS**, the Federal Communications Commission published a Notice of Proposed Rulemaking in May 2017, *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108; in which it announced its proposal to rescind the Net Neutrality rules and end public utility regulation of the internet; and

**WHEREAS**, the preservation of Net Neutrality is necessary for the prosperity of the Santa Clara County local economy, including but not limited to startup technology companies, rural businesses, and entrepreneurs; and

**WHEREAS**, Net Neutrality encourages competition among businesses, fosters innovation, creates jobs, and promotes economic vitality both within Santa Clara County and across the nation; and

**WHEREAS**, open internet provides citizens the opportunity to search for gainful employment, participate in free web-based job training programs, and learn new skills through online education courses; and

**WHEREAS**, public safety, emergency services, education, and healthcare services all rely on the availability of broadband internet service free from the plagues of throttling, blocking, and paid prioritization; and

**WHEREAS**, the County of Santa Clara, as a California local government, adheres to and champions the principle of transparency, including transparency in the provision of broadband internet service; and

**WHEREAS**, Santa Clara County community is best served and civic engagement is enhanced through the availability of open internet; and

**WHEREAS**, the County of Santa Clara and its citizens depend on the accessibility of affordable and non-discriminatory broadband internet service to ensure that all residents, businesses, non-profit organizations, and public agencies have the opportunity to participate in the governmental process through the use of digital and communications technology;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Santa Clara, will support efforts to ensure the preservation and defense of Net Neutrality principles and rules as articulated by the Federal Communications Commission in its 2015 Report and Order, *In the Matter of Protecting and Promoting the Open Internet*, WC Docket No. 14-28.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Santa Clara calls upon President Donald J. Trump and his Federal Administration and the Federal Communications Commission to proactively defend and preserve Net Neutrality principles and policies.

//

//

//

//

//

//

//

//

//

//



**BE IT FURTHER RESOLVED** that the Board of Supervisors of the County of Santa Clara hereby directs the County Counsel to submit timely comments, including a copy of this Resolution, in support of preserving the current Net Neutrality principles and policies in the Federal Communications Commission's proceeding reconsidering Net Neutrality regulations (WC Docket No. 17-108) and in such subsequent proceedings as may occur, to present the County of Santa Clara's views and protect its interests and the interests of its citizens as may be necessary.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California, on AUG 29 2017, 2017, by the following vote:

AYES: ~~CORREZ, CORTES, SIMITIAN, WASSERMAN, YEAGER~~

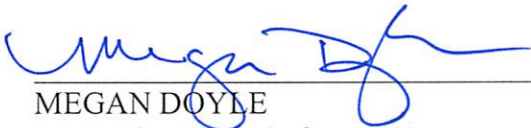
NOES: **NONE**

ABSENT: **CORTES**


ABSTAIN: **NONE**

  
**S. JOSEPH SIMITIAN, VICE PRESIDENT**  
Board of Supervisors

ATTEST:

  
MEGAN DOYLE  
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
CARA H. SANDBERG  
Deputy County Counsel